



DEPARTMENT OF THE NAVY

PORTSMOUTH NAVAL SHIPYARD
PORTSMOUTH, N. H. 03804-5000

IN REPLY REFER TO:

5720

Ser 100L/002-2015-006686

19 APR 16

Mr. David Daigneault
7C Cedarbrook Village
Rochester, NH 03867

Dear Mr. Daigneault:

On April 14, 2015, via Email, you submitted a request pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §§ 552, et seq., for certain documents believed to be in the possession of the Shipyard. Specifically, you requested the following:

a. Requests 1-3: Three Task Group Instructions (TGIs) for work done at the Portsmouth Naval Shipyard on USS TOLEDO (SSN 769), each dated sometime between February 2011 and March 2011. You indicated that you were unable to recall the precise system titles for the TGIs, but you believed Mary Rousseau from the Shipyard's Command Evaluation and Review Office would be able to identify them because you have spoken about them with her in the past.

b. Request 4: Email correspondence dated between August 2014 and September 2014 between Mary Rousseau of the Shipyard's Command Evaluation and Review Office and Maura Annis of the Shipyard's Quality Assurance Office concerning steam plant cleanliness, qualifications, certification protocol, and discipline of issuing TGIs.

c. Request 5: Email correspondence dated between August 2014 and September 2014 between Mary Rousseau and Cyprian Byron of the Shipyard's Production Resources Department concerning steam plant cleanliness, qualifications, certification protocol, and discipline of issuing TGIs.

d. Request 6: Written documentation of final action taken by Cyprian Bryon in response to the concerns about TGIs that you discussed with Mary Rousseau.

e. Request 7: Report given to Captain William Greene, USN, Shipyard Commander, by personnel from Command Evaluation and Review Office about the concerns regarding TGIs that you discussed with Mary Rousseau.

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f. Request 8: Final report of findings and recommendations by Command Evaluation and Review Office regarding the concerns about TGIs that you discussed with Mary Rousseau.

The Shipyard assigned FOIA Case Number DON-NAVY-2015-006686 to your request. I have enclosed a copy of all documents responsive to your request that were identified after a thorough search.

Documents responsive to your first, second, and third requests, for TGIs, are Redacted copies of Task Group Instructions and are enclosed. These documents have been redacted to remove sensitive unclassified Naval Nuclear Propulsion Information (U-NNPI). 10 U.S.C. § 130 prohibits public disclosure of unclassified technical data with military application if such data may not lawfully be exported outside of the United States without approval, authorization, or license under Export Administration regulations. This requirement applies to U-NNPI since it is protected under regulations of the Bureau of Export Administration of the Department of Commerce (15 C.F.R. § 744 et seq.) and the International Traffic in Arms Regulations (ITAR) of the Department of State (22 C.F.R. § 120 et seq.). Furthermore, the Navy's regulation for withholding unclassified technical information from public disclosure, OPNAVINST 5510.161, specifically cites unclassified information related to naval nuclear propulsion matters as requiring protection under 10 U.S.C. § 130. The information redacted from these enclosures is exempt from disclosure under these authorities and therefore is being withheld pursuant to 5 U.S.C. § 552(b)(3).

Documents responsive to your fourth, fifth, and seventh request are also provided. These documents have been redacted to remove privileged communications that are part of the agency's deliberative process, which is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5). In addition, some information was redacted from these documents pursuant to 5 U.S.C. § 552(b)(3), for the reasons described in the preceding paragraph.

No responsive documents were identified pursuant to your sixth or eighth requests.

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Although the Agency is not required to do so, I provide the following explanatory information relevant to your sixth request (for documentation of final action taken by Cyprian Bryon in response to the concerns about TGIs that you discussed with Mary Rousseau). The Shipyard's conclusion that there are no documents responsive to this request is based on our determination that Mr. Byron took no such corrective action. Because your FOIA request implicates questions pertaining to steam plant cleanliness, in an abundance of caution, while processing your request the Shipyard considered anew whether the concerns brought to Mr. Byron's attention should have prompted any corrective action.

The Shipyard has concluded, after a thorough review of the written instructions and circumstances related to shop work done pursuant to the TGIs in question, that the work performed was technically acceptable. The instructions pertained to work associated with the staging of certain temporary service system equipment. The approach taken by the Engineering Department to prescribe the work instructions involved multiple TGIs, and amendments to those TGIs, and therefore the flow of the work instructions was indeed confusing. However, technical direction was adequate, and the end result was technically acceptable.

This is a final response to your FOIA request. I considered your request pursuant to the Freedom of Information Act and Secretary of the Navy Instruction 5720.42F. I am the official responsible for the decision to withhold the information which has been redacted. You may submit a written administrative appeal of my decision to:

Office of the General Counsel
Department of Navy
1000 Navy Pentagon
Washington, DC 20350

Your appeal must have a copy of this letter enclosed and must be received by the General Counsel within 60 calendar days from the date of this letter. Please add the words "Freedom of Information Act Appeal" to both your administrative appeal and to the envelope. Send a copy of your letter to:

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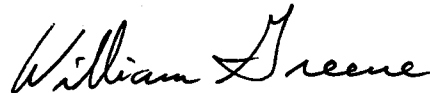
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Commander
Naval Sea Systems Command (SEA COS5)
1333 Isaac Hull Avenue SE Stop 1021
Washington, Navy Yard DC 20376-102

The charges for processing your request have been reviewed and you have not been assessed any fees or costs. The decision whether to assess fees and costs are taken on a case by case basis. The decision regarding fees and costs in this case is no indication as to how a future request will be administered.
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If you have any questions regarding the foregoing, please contact Mr. Matthew L. Schmid, at telephone (207) 438-6229 or via Email at matthew.l.schmid@navy.mil, citing the FOIA Case Number DON-NAVY-2015-006686.



W. C. GREENE
Captain, USN
Shipyard Commander

- Enclosures:
1. Redacted copy of Task Group Instruction
 2. Redacted copy of Task Group Instruction
 3. Redacted copy of Task Group Instruction
 4. Redacted copy of Email from Mary Rousseau to Maura Annis, with copy to Captain William Greene USN
 5. Redacted copy of Email from Mary Rousseau to Cyprian Byron